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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,639	.02/25/2004	Raymond J. Haka	GP-302276	3108

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LESLIE C. HODGES  
General Motors Corporation  
Mail Code 482-C23-B21  
P.O. Box 300  
Detroit, MI 48265-3000

EXAMINER

LE, DAVID D

ART.UNIT	PAPER NUMBER
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3681

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/786,639

Applicant(s)

HAKA, RAYMOND J.

Examiner

David D. Le

Art Unit

3681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This is the first Office action on the merits of Application No. 10/786,639, filed on 25 February 2004. Claims 1-3 are pending.

#### *Claim Objections*

2. Claim 1 is objected to because of the following informalities:
  - Claim 1, line 10, "a least one reverse speed ratios" should be --at least one reverse speed ratio--.Appropriate correction is required.

#### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. **Claims 2 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

#### Claim 2:

- Lines 2-3 recite the limitation "a single ring gear member and a single sun gear member". It is unclear whether these newly recited a single ring gear member and a single sun gear member are any different from the ones, which are first recited on lines 4-7 of claim 1.

Claim 3:

- Lines 4-5 recites the limitation "a planet carrier member". It is unclear whether this planet carrier member is different from the one, which is first recited on line 7 of claim 1.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 02/079670 A2 to Ziemer.**

Note:

To facilitate a better understanding as well as greater accuracy in explaining the following art rejection, the examiner will refer to the U. S. Patent Application Publication No. US 2004/0097324 A1, which is the equivalent English version of the WO 02/079670 A2.

Claims 1-3:

**Ziemer** (i.e., Figs. 13A and 13B; paragraphs [0092] to [0093]) discloses a multistep gear comprising:

- An input shaft (1);
- An output shaft (2);

- A first planetary gearset (NS) having a single sun gear member (41 or 31), a single ring gear member (43 or 33), and a planet carrier assembly member (45 or 35);
- A second planetary gearset (VS) having a single sun gear member (11), a single ring gear member (13), and a planet carrier assembly member (15);
- Six mechanical torque-transmitting mechanisms (being any six of A, B, C, D, E, D', and A') that are selectively engageable in a plurality of combinations to establish at least ten forward speed ratios and a least one reverse speed ratios between the input shaft and the output shaft (i.e., Fig. 13B);
- A first of said torque-transmitting mechanisms (i.e., Fig. 13A, element E) being selectively connectible between said input shaft and each of said members of said first planetary gearset;
- A second of said torque-transmitting mechanisms (i.e., Fig. 13A, element B) being selectively connectible between the ring gear member and planet carrier member of the first planetary gearset with a third of the torque-transmitting mechanisms (i.e., Fig. 13A, element D);
- Wherein said third of said torque-transmitting mechanisms is selectively connectible with each of said members of said second planetary gearset;
- A fourth of said torque-transmitting mechanisms (i.e., Fig. 13A, element C) being selectively connectible between the planet carrier member and sun gear member of said second planetary gearset and a transmission housing;

- A fifth of said torque-transmitting mechanisms (i.e., Fig. 13A, element D') being selectively connectible between said planet carrier member and said ring gear member of said second planetary gearset and said transmission output shaft;
- A sixth of said torque-transmitting mechanisms (i.e., Fig. 13A, element A') being selectively connectible between said sun gear member and said planet carrier member of said first planetary gearset and said transmission housing;
- Wherein the first planetary gearset is a compound planetary gearset having pairs of intermeshing pinion gears, which mesh with said ring gear member and said sun gear member (i.e., Fig. 13A); and
- Wherein the second planetary gearset is a simple planetary gearset having a single set of pinion gears rotatably mounted on the planet carrier member and disposed in meshing relationship with both the sun gear member and the ring gear member (i.e., Fig. 13A).

### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Windish (U. S. Patent No. 4,531,428) teaches a ten-speed-planetary transmission as shown in Figs. 1-2.
- Bucknor et al. (U. S. Patent No. 6,746,360) teaches a ten-speed-planetary transmission as shown in Figs. 1a and 1b.

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- Armstrong (U. S. Patent No. 6,811,010) teaches a three-way synchronizer clutch assembly as shown in Figs. 1-4.
- Frost (U. S. Patent No. 4,721,194) teaches a three-position clutch rocker mechanism 140 as shown in Fig. 1.
- Forsyth (U. S. Patent No. 5,975,263) teaches a synchronizer clutch as shown in Figs. 2-4.
- Bader et al. (U. S. Patent No. 6,267,215) teaches a synchronizer clutch 1, as shown in Fig. 1.
- P. Orr (U. S. Patent No. 2,560,886) teaches a four-position clutch, as shown in Fig. 1.
- P. Orr et al. (U. S. Patent No. 2,658,413) teaches a four-position synchronizer clutch, as shown in Fig. 1.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Le whose telephone number is 703-305-3690 or 571-272-7092. The examiner can normally be reached on Mon-Fri (0700-1530).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A Marmor can be reached on 703-308-0830 or 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ddl

 3/21/05  
CHARLES A. MARMOH  
SUPERVISORY PATENT EXAMINER  
ART UNIT 3681